

St. Louis City Ordinance 63104

FLOOR SUBSTITUTE

BOARD BILL NO. [93] 284

INTRODUCED BY ALDERMAN MARTIE ABOUSSIE

An Ordinance recommended by the Board of Public Service vacating a portion of air rights above a 8.01 foot wide strip of Arsenal between Ninth and Thirteenth adjoining City Blocks 887 and 890 as hereinafter described and authorizing construction of a portion of a structure in the vacated area under certain terms and conditions.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE: Subject to the terms and conditions hereinafter set forth the "air rights" or "air space" above that portion of 7th Street between Arsenal and Pestalozzi which is described as follows:

The air rights above a strip of land being a portion of Arsenal, 60 feet wide, between Ninth Street and Thirteenth Street, adjoining City Blocks 887 and 890, of the City of St. Louis, Missouri; lying between elevation 109.00 to 118.00 City of St. Louis Datum; and said strip being more particularly described as follows:

Commencing at the intersection of the west line of Ninth Street (60' wide) and the north line of Arsenal Street (60' wide); thence in a westerly direction along the north line of Arsenal Street, a distance of 172.10 feet to the point of beginning; thence crossing Arsenal Street at an angle to the right of 92 degrees, 43 minutes, 16 seconds from the last described line, a distance of 60.07 feet to a point, said point being on the south line of Arsenal Street; thence in a westwardly direction along the south line of Arsenal Street, a distance of 8.01 feet to a point; thence crossing Arsenal Street, at an angle to the left of 87 degrees, 16 minutes, 44 seconds, from the last described line, a distance of 60.07 feet to a point in the north line of Arsenal Street; thence in an easterly direction, along the northern line of Arsenal Street, a distance of 8.01 feet to the point of beginning. The described area is that part lying between elevations 109.00 and 118.00 City of St. Louis Datum.

shall be and is hereby vacated. Any right, title or interest owned or claimed by the City of St. Louis therein is hereby relinquished, except as herein provided.

SECTION TWO:

The petitioner is Anheuser Busch. Will allow for relocation of existing pipe bridge 49.39 feet west of its current location on Arsenal.

SECTION THREE:

An appropriate application shall be filed with the Building Division and there shall be submitted detailed plans for the erection, construction and use of the buildings, structures and related facilities which are to be constructed over the areas described in Section One.

SECTION FOUR:

Notwithstanding any provisions of the Revised Code of St. Louis or the Ordinances of the City of St. Louis to the contrary, the Board of Public Service and the Building Division are hereby authorized and directed to issue building permits for the erection, construction and use of buildings, structures and related facilities, as well as any future additions, alterations or improvements thereto and renewals and rebuildings thereof, in the areas vacated pursuant to the provisions of Section One hereof when the Building Division shall find that:

1. The proposed plans and specifications of such buildings, structures and related facilities are such that said buildings, structures and related facilities will be located within the boundaries of the areas vacated by Section One.
2. The proposed manner of construction pursuant to the proposed plans and specifications of such buildings, structures and related facilities shall be such as to not unduly interfere with traffic on the public right-of-way.
3. Materials proposed in the plans and specifications to be used in constructing the said buildings, structures and other facilities shall be such as are customarily used in projects of this type involving construction over highway rights-of-way.

SECTION FIVE:

The present owners and any successors and assigns of the ownership of the real property abutting the areas described in Section One shall be bound by the following terms and conditions:

1. They shall indemnify and hold harmless the City of St. Louis against any liability, loss or damage arising out of, or in connection with the construction,

maintenance and occupancy of the buildings, structures and related facilities above the public right-of-way.

2. All construction of and repair and maintenance to the exterior portions of the buildings, structures and related facilities above the public right-of-way shall be performed only at such times and by such methods as Board of Public Service shall permit, except in the case of an emergency.

3. No advertising signs, displays or devices shall be placed above the public right-of-way unless approved by the Board of Public Service.

4. No hazardous or unreasonably objectionable smoke, fumes, vapor or odor shall be permitted to descend to the grade line of the public right-of-way.

5. All buildings, structures and related facilities over the public right-of-way shall be properly maintained so as to safeguard adequately said buildings, structures and related facilities against fire and other hazards.

6. The City of St. Louis or its authorized agent shall have the reasonable right to enter into and inspect all buildings, structures and related facilities maintained over the public right-of-way.

7. All buildings, structures and related facilities located over the public right-of-way shall comply with all regulations imposed by the City of St. Louis to protect against fire and other hazards which would impair the use and safety of the public right-of-way.

8. In the use of the air space over the public right-of-way, all necessary and appropriate safeguards to protect the public right-of-way shall be provided.

9. All construction in, and use of, the air space over the public right-of-way shall be in compliance with the rules, regulations and requirements established by the Department of Streets of the City of St. Louis.

10. Upon completion of the construction of the buildings, structures and related facilities contemplated hereby, the present owners or its successors and assigns shall furnish the City of St. Louis evidence of fire and extended coverage insurance and public liability insurance during the time the air space over the public right-of-way shall be occupied by the aforementioned buildings, structures or related facilities and such policies of insurance shall be in such reasonable amounts as set by Board of Public Service and shall contain a provision waiving subrogation against the City of St. Louis.

SECTION FIVE:

An affidavit stating that all conditions of this Ordinance have been accepted must be submitted to the Board of Public Service for acceptance One Hundred Twenty (120) days from the date of the signing of this Ordinance. If this affidavit is not submitted within the prescribed time the Ordinance will be null and void.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
01/14/94	01/14/94	STR		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
01/21/94			01/28/94	02/04/94
ORDINANCE	VETOED		VETO OVR	
63104				